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ORDINANCE NO. 2008 -058

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR THE COUNTY INITIATED CORRECTIVE **PALM BEACH TRANSPORT (LGA 2008-029)** AMENDMENT, MODIFYING PAGE 57 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 0.14 ACRES OF LAND, GENERALLY LOCATED ON THE EAST SIDE OF LAKESIDE ROAD, APPROXIMATELY 470' SOUTH OF JOG ROAD AND 0.10 MILE WEST OF THE INTERSECTION OF JOG ROAD AND THE FLORIDA TURNPIKE, FROM LOW RESIDENTIAL, TWO UNITS PER ACRE (LR-2), TO COMMERCIAL HIGH WITH AN UNDERLYING INDUSTRIAL (CH IND); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 6 & 17, and July 11, 2008 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 23, 2008 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated October 7, 2008 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on December 3, 2008 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Future Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Atlas is hereby adopted and attached to this Ordinance as Exhibit 1:

1. Future Land Use Atlas page 57 is amended as follows:

Application: Palm Beach Transport (LGA 2008-029)

Amendment: Low Residential, 2 units per acre (LR-2), to Commercial High with an underlying Industrial (CH IND);

Location: On the east side of Lakeside Road, approximately 470' south of Jog Road and 0.10 mile west of the intersection of Jog Road and the Florida Turnpike;

Size: Approximately 0.14 acres.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

of Palm Beach County, on the 3rd day of December, 2008.

3. COMPTROLLER: Judith C. [Signature] Deputy Clerk

4. CHAIRMAN: John F. [Signature] John F. Koons, Chairman

[Signature]
COUNTY ATTORNEY

1. Admission AFRM 10-2 and its amendments, including 10-2-FD 3-FBI (encl. 11-12)

EXHIBIT 1

A. Future Land Use Atlas page 57 is amended as follows:

Amendment No.: Palm Beach Transport (LGA 2008-029)

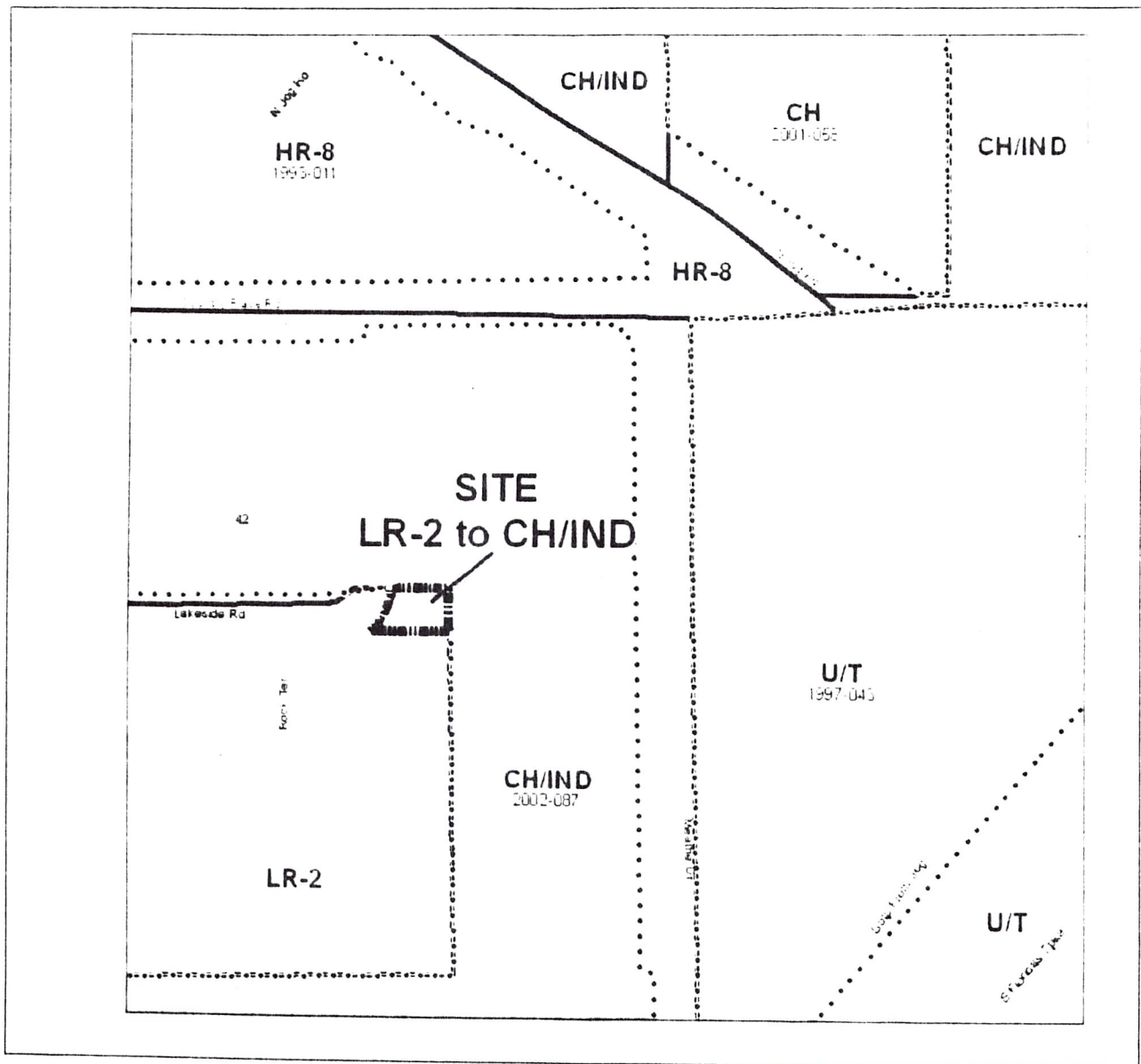
FLUA Page No.: 57

Amendment: Low Residential, 2 units per acre (LR-2), to Commercial High with an underlying Industrial (CH/IND)

Location: East side of Lakeside Road, approximately 470' south of Jog Road and 0.10 mile west of the intersection of Jog Road and the Florida Turnpike.

Size: 0.14 acre (portion of a 3.14 acre property)

Property No.: 00-42-43-27-19-000-0062



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, CLAUDE W. BROWN, County Clerk, do hereby certify that the
modification of the Future Land Use Atlas for the County of Palm Beach
dated at Fort Pierce, Florida, this 3rd day of December, 2008.

By: Diane Browne
12/3/08

